



## A law unto themselves

**My first acquaintance with the lawlessness of the Australian building industry came with the Royal Commission into the Builder's Labourers Federation in 1981. Plagued by stoppages, corruption, kickbacks and standover tactics, State and Federal governments, led by Malcolm Fraser, asked a Royal Commissioner to investigate.**

The Union was led by the colourful Norm Gallagher who eventually went to jail for his part in receiving bribes from Builders anxious to win his favour and trust. Norm was a powerful man at the height of his powers and always surrounded by sturdy officials who were well acquainted with the pugilistic arts. You didn't mess with Norm.

Unless you were young and brash and trying to gather evidence for the Royal Commission, which I was. I hatched a plan to give Norm a subpoena to surrender Union records and went to find him in the Hotel where he presided every night surrounded by his Republican Guard celebrating the success of the day in strike action, lost production, and other triumphs in the cause of militant unionism.

I got close to Norm in the Hotel that night and was just about to explain the meaning of my legal document when one of his lieutenants intervened to tell me where I could shove my subpoena and began forcibly to assist me to do it. As other officials joined in to help, I raced for the door and ran down the street as if my life depended on it. In fact my life did depend on it. Fortunately I was young and fit in those days and could outrun building union officials, especially when they had been drinking a beer or six as was the usual custom in the Industry.

The Labor Party did not approve of that Royal Commission. Shortly after, Labor came to office at both the State and Federal level and did nothing about it. Emboldened by this indifference, the industry got worse and worse until eventually State and Federal Labor co-operated to de-register the BLF and put it out of business for good. As a result the CFMEU got control of all the membership on building sites and the prizes that go with it- the organisers, the shop stewards and safety officers.

There was a Royal Commission into the New South Wales building industry in 1992 and another Federal Royal Commission (the Cole Commission) in 2001. Both found that the pattern of thuggery and intimidation made commercial construction more expensive than it should be thereby pushing up rents and prices and imposing costs on the whole Community to pay for the actions of a small lawless minority.

The only time that progress has been substantially made against this culture of intimidation, thuggery, and inefficiency was when a dedicated agency, properly resourced, known as the Australian Building Construction Commission (ABCC) was set up in 2005 to be the "cop on the beat" to police and prosecute unlawful behaviour. After Labor was elected in 2007 Julia Gillard very deliberately neutered its powers.

Recent newspapers have been "exposing" the level of kickbacks and the infiltration of organised crime on to building sites. It can hardly come as a surprise. What did people think would happen if the only policing activity that had ever been effective was deliberately suspended by the Government? Is there illegal activity on building sites in Australia? Well I am shocked!

The Builders do not control the building sites, the police do not control them, the Unions control the building sites. The only way to get on to a commercial building site is to take out a union ticket. Anyone who fails to do that is a "scab" and anyone who goes against the union leadership is a "rat". The Unions exercise industrial power ruthlessly. They have little regard for those who get in the way. This is like a magnet for others who are practised in the art of standover tactics. You can cross a builder, you can cross a policeman. The only authority you can't cross on a building site is the Union.

The broader Union movement now says it is shocked by revelations of criminality but not so shocked as to support a Royal Commission that will get to the bottom of it. Bill Shorten, the Labor leader, wants to clean it all up but not through a dedicated organisation like the ABCC that has proven effective in the past. He wants police officers to take a look at it which would mean the general public suffers yet again as police are diverted from protecting the community to concentrate on an industry that is consistently, notoriously, uniquely riddled by fear and intimidation.

Ask yourself these questions: when Julia Gillard gutted the ABCC did she think it would lead to more law enforcement or less in the Australian building industry? When Bill Shorten opposes the return of a properly resourced ABCC is that because he wants to be tougher or softer on criminal activity in the industry?

Labor knows about the problem. It knows there is an effective solution. It's just that it would prefer an ineffective solution rather than confront Union power which supports and maintains a culture which is the underlying problem in this industry.